

UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF NEW YORK

----- x
DENNIS L. MONTGOMERY,

Plaintiff,

v.

SIMON & SCHUSTER,

and

PRISCILLA PAINTON,

and

TINA BENNETT,

Defendants.
----- x

No. 1:15-mc-00363-P1

ECF Case

**NOTICE OF CROSS-MOTION TO
QUASH OR MODIFY SUBPOENA**

Oral Argument Requested

PLEASE TAKE NOTICE that, upon the accompanying memorandum of law and Declarations of Kevin H. Marino and Svetlana Katz in support of this motion, non-party Tina Bennett, through her counsel, Marino, Tortorella & Boyle, P.C. (Kevin H. Marino, Esq., appearing), will move, on December 1, 2015 at 11:00 a.m., before the Honorable Denise L. Cote, U.S.D.J., sitting in Part 1, at the United States Courthouse for the Southern District of New York, 500 Pearl Street, Courtroom 15B, New York, New York, for entry of an Order quashing or modifying a subpoena directed to Bennett pursuant to Federal Rule of Civil Procedure 45(d)(3).

PLEASE TAKE FURTHER NOTICE that Bennett respectfully requests oral argument on this cross-motion.

Dated: November 23, 2015

MARINO, TORTORELLA & BOYLE, P.C.

/s/ Kevin H. Marino

Kevin H. Marino

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